

JOSEPH P. RUSSONIELLO (CABN 44332)  
United States Attorney

BRIAN J. STRETCH (CABN 163973)  
Chief, Criminal Division

WADE M. RHYNE (CABN 216799)  
Assistant United States Attorney

1301 Clay Street, Suite 340S  
Oakland, CA 94612  
Telephone: (510) 637-3680  
Fax: (510) 637-3724  
E-Mail: wade.rhyme@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR 09-00868 CW
	)	
Plaintiff,	)	
	)	STIPULATED REQUEST TO CONTINUE
v.	)	HEARING AND TO EXCLUDE TIME
	)	UNDER THE SPEEDY TRIAL ACT
AGUSTIN ORDAZ,	)	
a/k/a "Augustin Ordaz-Villagomez,"	)	
	)	Date: July 14, 2010
Defendant.	)	Time: 10:00 a.m.
	)	Court: Hon. Laurel Beeler

The above-captioned matter is set on July 14, 2010 before this Court for status or change of plea. The parties jointly request that this Court vacate that date and continue the matter for status or change of plea on August 11, 2010 at 10:00 a.m., and that the Court exclude time under the Speedy Trial Act between July 14, 2010 and August 11, 2010.

Counsel for Defendant Agustin Ordaz has asked for additional time to review discovery and to investigate a prior methamphetamine related conviction sustained by the Defendant.

These issues are central to the parties' anticipated pre-trial resolution of the matter.

Additionally, counsel for Defendant is commuting from Fresno to meet with Defendant to

1 discuss these issues. Accordingly, counsel for Defendant requires additional time to review  
2 discovery, to investigate, and to prepare the case for further disposition.

3 For those reasons, the parties jointly request that the Court continue the matter and  
4 exclude time between July 14, 2010 and August 11, 2010 under the Speedy Trial Act for  
5 reasonable time necessary for counsel to effectively prepare, pursuant to 18 U.S.C. §  
6 3161(h)(8)(B)(iv). The parties agree that failing to exclude the time between July 14, 2010 and  
7 August 11, 2010 would unreasonably deny the defendant continuity of counsel and would deny  
8 counsel the reasonable time necessary for effective preparation, taking into account the exercise  
9 of due diligence, 18 U.S.C. § 3161(h)(7)(B)(iv), and that the ends of justice served by excluding  
10 the time from computation under the Speedy Trial Act outweigh the best interests of the public  
11 and the defendant in a speedy trial, 18 U.S.C. § 3161(h)(7)(A).

12  
13 DATED: July 8, 2010

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15  
16 /s/  
WADE M. RHYNE  
Assistant United States Attorney

17 /s/  
NICHOLAS REYES  
Counsel for Defendant

UNITED STATES OF AMERICA,	)	No. CR 09-00868 CW
	)	
Plaintiff,	)	
	)	
v.	)	<del>[PROPOSED]</del> ORDER GRANTING
	)	STIPULATED REQUEST TO CONTINUE
AGUSTIN ORDAZ,	)	HEARING AND TO EXCLUDE TIME
a/k/a “Augustin Ordaz-Villagomez,”	)	UNDER THE SPEEDY TRIAL ACT
	)	
Defendant.	)	
	)	Date: August 11, 2010
	)	Time: 10:00 a.m.
	)	Court: Hon. Donna M. Ryu

For good cause shown, the Court finds that failing to exclude the time between July 14, 2010 and August 11, 2010 would unreasonably deny the defendant continuity of counsel and would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time between July 14, 2010 and August 11, 2010 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Therefore, IT IS HEREBY ORDERED

STIP. REQ. AND ~~(PROPOSED)~~ ORDER  
TO CONTINUE HEARING & TO EXCLUDE TIME  
No. CR-09-00868 CW

1 that the matter be continued to August 11, 2010 for status and that time between July 14 2010  
2 and August 11, 2010 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C.  
3 § 3161(h)(7)(A) and (B)(iv).  
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6 DATED: July 12, 2010

  
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LAUREL BEELER  
United States Magistrate Judge